



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष ६, अंक ३५]

बुधवार, सप्टेंबर २३, २०२०/आश्विन १, शके १९४२

[पृष्ठे ३, किंमत : रुपये २७.००

असाधारण क्रमांक ७५

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद)

### OFFICE OF THE SECRETARY TO THE GOVERNOR OF MAHARASHTRA

#### PREAMBLE

CONSTITUTION OF INDIA.

No. RB/TC/CR-414/Notification/200/2020. – The following notification issued by the Governor of Maharashtra is published for the general information :—

**WHEREAS**, under sub-paragraph (1) of paragraph 5 of the Fifth Schedule to the Constitution of India, the Governor may, by public notification, direct that any particular Act of Parliament or of Legislature of the State shall not apply to the Scheduled Area referred to in clause (1) of Article 244 of the Constitution of India or any part thereof in the State or shall apply to the Scheduled Area or any part thereof in the State subject to the exceptions and modifications specified in the notification;

**AND WHEREAS**, a need has been identified to provide housing area for the extended Forest Dwelling Scheduled Tribe families and Other Traditional Forest Dwelling families in Tribal Areas;

**AND WHEREAS**, providing housing area will lead to stop migration of the Forest Dwelling Scheduled Tribe families and Other Traditional Forest Dwelling families outside the native habitats and will provide stability in tribal lives;

**AND WHEREAS**, a large number of demands have originated regarding extension of village site/hamlet/ habitation area in the Scheduled Area villages;

**AND WHEREAS**, almost all the villages in the Scheduled Areas of the State are notified as Revenue Villages;

**AND WHEREAS**, it has been reported that most of the areas outside the recognized village site/hamlet/ habitation of the said villages are treated as situated in the Forest Land;

**AND WHEREAS**, it is considered expedient to make provision for the housing of Forest Dwelling Scheduled Tribe families and Other Traditional Forest Dwelling families by making provision for extension of village site/hamlet/ habitation Land;

**AND WHEREAS**, sub-section (2) of section 3 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 provides for diversions of forest land for 13 facilities managed by the Government;

**AND WHEREAS**, in exercise of the powers conferred by sub-paragraph (1) of Paragraph 5 of the Fifth Schedule to the Constitution of India, the Governor of Maharashtra issued Notification on 23rd February 2017, and thereby added entries (n) and (o) in sub-section (2) of section 3 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007), in its application to the State of Maharashtra;

**AND WHEREAS**, the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 does not specifically provide for in this list of 13 the purpose of providing housing area in the Scheduled Areas;

**AND WHEREAS**, it is expedient to further amend the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, in its application to the State of Maharashtra, for the said purpose;

**NOW, THEREFORE**, in exercise of the powers conferred by sub-paragraph (1) of Paragraph 5 of the Fifth Schedule to the Constitution of India, the Governor of Maharashtra hereby makes the following Notification :—

### *NOTIFICATION*

CONSTITUTION OF INDIA.

In exercise of the powers conferred by sub-paragraph (1) of paragraph 5 of the Fifth Schedule to the Constitution of India, the Governor of Maharashtra hereby directs that the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, in its application to the State of Maharashtra shall apply to the Scheduled Areas referred to in clause (1) of the Article 244 of the Constitution with the following exceptions and modifications, namely :—

**MODIFICATION TO THE SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST DWELLERS (RECOGNITION OF FOREST RIGHTS) ACT, 2006,**

In Section 3 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007),—

(i) in sub-section (1), after clause (k), the following clause shall be inserted, namely:—

“(k-1) right for housing only to the extent for which provision has been made under clause (p) of sub-section (2) of this section;”;

(ii) in sub-section (2),—

(a) after the clause (o), as added by the Governor's Notification, No.RB/TC/e-13011(4)(2014)/Notification/236/2017, dated the 23<sup>rd</sup> February 2017, the following clause shall be added, namely:—

“(p) provision of housing to the Forest Dwelling Scheduled Tribe families and Other Traditional Forest Dwelling families belonging to the concerned village by extension of village site/ hamlet/ habitation\_for area.”.

(b) after the existing proviso, the following proviso and Explanation shall be added, namely:—

“Provided further that, for the purposes of clause (o), the diversion of land for the purposes of village site/hamlet/ habitation shall be permitted only if,—

(i) the land so diverted from the forest land, is as far as practicable, surrounded or is contiguous to the village site/ hamlet/ habitation of the village;

(ii) the land so diverted only if there is a demand for the purpose from the persons belonging to the Forest Dwelling Scheduled Tribe families and Other Traditional Forest Dwelling families and are ordinarily resident in the same village;

(iii) the land shall be allotted to the persons belonging to the Forest Dwelling Scheduled Tribe families and Other Traditional Forest Dwelling families and ordinarily resident in the same village;

*Explanation.*—For the purposes of clause (p), the expression “village” shall include the ‘hamlets’ and ‘habitations’ forming part of the revenue village.

Raj Bhavan, Mumbai,

Dated the 23rd September, 2020.

BHAGAT SINGH KOSHYARI,

Governor of Maharashtra.

By order and in the name of the Governor of Maharashtra,

SANTOSH KUMAR,

Principal Secretary to Government.